

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-79

Time 2:40 p.m.

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1979



ENROLLED

SENATE BILL NO. 563

*Originating in the*  
*(~~By~~ ~~the~~ Committee on Natural Resources)*

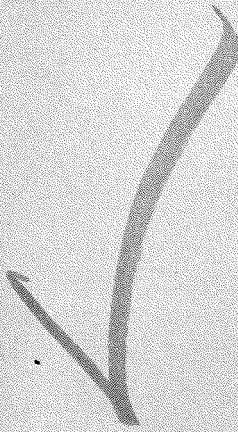


PASSED March 10, 1979

In Effect July 1, 1979 ~~Passage~~



No. 563



# ENROLLED

## Senate Bill No. 563

(Originating in the Committee on Natural Resources)

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[Passed March 10, 1979; in effect July 1, 1979.]

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AN ACT to amend and reenact sections eleven, twelve and fifteen, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to transferring from the department of natural resources to the department of motor vehicles authority for motorboat registration and issuance of motorboat certificates of number; providing for use of fifty percent of fee proceeds to be used by the department of motor vehicles for administration of the program; providing for use of fifty percent of fee proceeds to be used by the department of natural resources for the state boating program; changing the annual license renewal requirement from a calendar year to fiscal year basis; removing authority to appoint county officials as license issuing agents; and authorizing the department of motor vehicles to deliver to motorboat dealers temporary certificates of number for issuance to purchasers.

*Be it enacted by the Legislature of West Virginia:*

That sections eleven, twelve and fifteen, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

### **ARTICLE 7. LAW ENFORCEMENT, PROCEDURES AND PENALTIES; MOTORBOATING.**

#### **PART II. MOTORBOATING.**

##### **§20-7-11. Motorboats and other terms defined.**

- 1 As used in this section and subsequent sections of this
- 2 article, unless the context clearly requires a different
- 3 meaning:

4 (1) "Vessel" means every description of watercraft,  
5 other than a seaplane on the water, used or capable of  
6 being used as a means of transportation on water;

7 (2) "Motorboat" means any vessel propelled by an  
8 electrical, steam, gas, diesel or other fuel propelled or  
9 driven motor, whether or not such motor is the principal  
10 source of propulsion, but shall not include a vessel which  
11 has a valid marine document issued by the bureau of  
12 customs of the United States government or any federal  
13 agency successor thereto;

14 (3) "Owner" means a person, other than a lienholder,  
15 having the property in or title to a motorboat. The term  
16 includes a person entitled to the use or possession of a  
17 motorboat subject to an interest in another person, re-  
18 served or created by agreement and securing payment or  
19 performance of an obligation, but the term excludes a  
20 lessee under a lease not intended as security;

21 (4) "Commissioner" means the commissioner of the  
22 department of motor vehicles; and

23 (5) "Director" means the director of the department of  
24 natural resources.

**§20-7-12. Motorboat identification numbers required; applica-  
tion for numbers; fee; displaying; reciprocity;  
change of ownership; conformity with United  
States regulations; records; renewal of certificate;  
transfer of interest, abandonment, etc.; change of  
address; unauthorized numbers; information to be  
furnished assessors.**

1 Every motorboat, as herein defined, operating upon  
2 public waters within the territorial limits of this state,  
3 shall be numbered as herein provided:

4 (a) The owner of each motorboat requiring numbering  
5 by this state shall file an application for a number with  
6 the commissioner on forms approved by the department  
7 of motor vehicles. The application shall be signed by the  
8 owner of the motorboat and shall be accompanied by a  
9 fee of five dollars if propelled by a motor of three or more  
10 horsepower. There shall be no fee for motorboats pro-  
11 pelled by motors of less than three horsepower. All such

12 fees, including those received under subdivision (b) of  
13 this section, shall be deposited in the state treasury, and  
14 fifty percent shall be credited to the department of motor  
15 vehicles and shall be used and paid out upon order of the  
16 commissioner solely for the administration of the certifi-  
17 cate of number system. The remaining fifty percent shall  
18 be credited to the department of natural resources and  
19 shall be used and paid out upon order of the director  
20 solely for the enforcement and safety education of the  
21 state boating system. Upon receipt of the application  
22 in approved form, the commission shall enter the same  
23 upon the records of the department and issue to the  
24 applicant a number awarded to the motorboat and the  
25 name and address of the owner. The owner shall paint  
26 on or attach to each side of the bow of the motorboat  
27 the identification number in such manner as may be  
28 prescribed by rules and regulations of the commissioner  
29 in order that it may be clearly visible. The number shall  
30 be maintained in legible condition. The certificate of  
31 number shall be pocket size and shall be available at all  
32 times for inspection on the motorboat for which issued,  
33 whenever such motorboat is in operation.

34 (b) In order to permit a motorboat sold to a purchaser  
35 by a dealer to be operated pending receipt of the cer-  
36 tificate of number from the commissioner, the commis-  
37 sioner may deliver to dealers, upon application therefor  
38 and payment of one dollar for each, temporary certifi-  
39 cates of number to in turn be issued to purchasers of  
40 motorboats. Every person who is issued a temporary  
41 certificate by a dealer shall, under the provisions of  
42 subdivision (a) of this section, apply for an annual cer-  
43 tificate of number no later than ten days from the date  
44 of issuance of the temporary certificate. A temporary  
45 certificate shall expire upon receipt of the annual cer-  
46 tificate, upon recession of the contract to purchase the  
47 motorboat in question or upon the expiration of forty  
48 days from the date of issuance, whichever shall first oc-  
49 cur. It is unlawful for any dealer to issue any temporary  
50 certificate knowingly containing any misstatement of fact,  
51 or knowingly to insert any false information on the face  
52 thereof. The commissioner may, by rule or regulation,

53 prescribe such additional requirements upon such dealers  
54 and purchasers as are consistent with the effective ad-  
55 ministration of this section.

56 (c) The owner of any motorboat already covered by a  
57 number in full force and effect which has been awarded  
58 to it pursuant to then operative federal law or a federally  
59 approved numbering system of another state shall record  
60 the number prior to operating the motorboat on the wa-  
61 ters of this state in excess of the sixty-day reciprocity  
62 period provided for in section fourteen of this article.  
63 Such recordation shall be in the manner and pursuant to  
64 procedure required for the award of a number under sub-  
65 division (a) of this section, except that no additional or  
66 substitute number shall be issued.

67 (d) Should the ownership of a motorboat change, a  
68 new application form with fee shall be filed with the  
69 commissioner and a new certificate of number shall be  
70 awarded in the same manner as provided for in an origi-  
71 nal award of number.

72 (e) In the event that an agency of the United States  
73 government shall have in force an overall system of  
74 identification numbering for motorboats within the United  
75 States, the numbering system employed pursuant to this  
76 article by the department of motor vehicles shall be in  
77 conformity therewith.

78 (f) All records of the director made or kept pursuant  
79 to this section shall be transferred to the commissioner  
80 and shall be maintained as public records.

81 (g) Such license shall be valid only until the last day  
82 of June. If at the expiration of that date ownership has  
83 remained unchanged, such owner shall, upon application  
84 and payment of the proper annual fee, be granted a re-  
85 newal of such certificate of number for an additional one-  
86 year period.

87 (h) The owner shall furnish the commissioner notice  
88 of the transfer of all or any part of an interest, other than  
89 the creation of a security interest, in a motorboat num-  
90 bered in this state pursuant to subdivisions (a) and (b)  
91 of this section, or of the destruction or abandonment of  
92 such motorboat, within fifteen days thereof. Such trans-

93 fer, destruction or abandonment shall terminate the cer-  
94 tificate of number for such motorboat, except that in the  
95 case of a transfer of a part interest which does not affect  
96 the owner's right to operate such motorboat, such trans-  
97 fer shall not terminate the certificate of number.

98 (i) Any holder of a certificate of number shall notify  
99 the commissioner within fifteen days if his address no  
100 longer conforms to the address appearing on the certifi-  
101 cate and shall, as a part of such notification, furnish the  
102 commissioner with his new address. The commissioner  
103 may provide rules and regulations for the surrender of  
104 the certificate bearing the former address and its replace-  
105 ment with a certificate bearing the new address or for  
106 the alteration of an outstanding certificate to show the  
107 new address of the holder.

108 (j) No number other than the number awarded to a  
109 motorboat or granted reciprocity pursuant to this article  
110 shall be painted, attached or otherwise displayed on  
111 either side of the bow of such motorboat.

112 (k) It shall be the duty of the commissioner on or  
113 before the thirtieth day of August of each year, commenc-  
114 ing with the year one thousand nine hundred eighty, to  
115 forward to the assessor of each county a list of the names  
116 and addresses of all persons, firms and corporations own-  
117 ing vessels and operating the same or other boats regis-  
118 tered with the commissioner under the provisions of this  
119 article. In furnishing this information to each county  
120 assessor, the commissioner shall include such information  
121 as to make, model, value and cost price of such vessels  
122 and other equipment required to be registered for use by  
123 said owner or operator thereof under the provisions of  
124 this article: *Provided*, That the commissioner need not  
125 furnish such information to the assessor if the cost price  
126 of such vessel does not exceed two hundred dollars or the  
127 cost of the motor does not exceed one hundred seventy-  
128 five dollars. In order to deal equitably with overlapping  
129 license periods, the commissioner may issue a six months'  
130 license from the period January, one thousand nine hun-  
131 dred eighty through June, one thousand nine hundred  
132 eighty. The fee shall be one half of the annual fee.

133 (l) No person shall operate an unlicensed motorboat

134 upon any waters of this state without first acquiring such  
135 certificate of number or license as required by law.

**§20-7-15. Dealers' and manufacturers' certificate of number;  
applications and fees.**

1 Dealers' and manufacturers' certificate of number,  
2 containing the word "manufacturer" or "dealer," as ap-  
3 propriate, may be used in connection with the operation  
4 of any motorboat in the possession of such dealer or  
5 manufacturer, when the boat is being used for demon-  
6 strative purposes. Application for a dealer's or manu-  
7 facturer's certificate of number shall be made upon a form  
8 provided by the commissioner and shall contain such  
9 information as may be required by the commissioner.  
10 Upon receipt of the application and upon payment of a  
11 fee of five dollars for the initial certificate of number, and  
12 five dollars for each additional certificate of number, the  
13 commissioner shall issue to the applicant a manufactur-  
14 er's or dealer's certificate of number which shall contain  
15 the word "manufacturer" or "dealer" in lieu of a descrip-  
16 tion of the boat. The manufacturer or dealer may have  
17 the number awarded to him printed upon or attached to  
18 a removable sign or signs to be temporarily but firmly  
19 mounted upon or attached to the boat being demon-  
20 strated, so long as the display meets the requirements of  
21 the provisions of this article and regulations issued here-  
22 under.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James L. Davis*  
Chairman Senate Committee

*Clarence C. Chestnut, Jr.*  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1979.

*J. Sullivan*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*H. T. Burdette*  
President of the Senate

*Chas. M. Lee, Jr.*  
Speaker House of Delegates

The within is approved this the 24  
day of March, 1979.

*John D. Rhyne*  
Governor





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